

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
WESTERN DIVISION

ELIZABETH STEFFENBERG,

Plaintiff,

v.

T. GENE GILMAN, STEVEN GILMAN, THE GILMAN  
INSURANCE AGENCY, INC., DAVID M. SCOLL,  
ARBOR SECURITIES, LTD., ALLIANCE  
INVESTMENT MANAGEMENT, COMMONWEALTH  
FINANCIAL HOLDINGS INC., FINANCIAL LINKS,  
INC., T. GILMAN & CO., LTD., FIRST ALLIED  
SECURITIES, INC., PENSON FINANCIAL SERVICES,  
INC., AVIVA USA CORPORATION, TRADETEK,  
LTD. and TRADETEK, LLC,

Defendants.

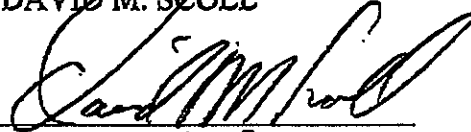
CIVIL ACTION NO. 04-40113-  
FDS

**LOCAL RULE 16.1(D)(3) CERTIFICATION ON BEHALF OF  
DEFENDANT DAVID M. SCOLL**

Pursuant to Rule 16.1(D)(3) of the Local Rules for the District Court, District of Massachusetts, the Defendant David M. Scoll (hereinafter "Scoll") and his counsel certify that they have conferred:

- (a) with a view to establishing a budget for the costs of conducting the full course-  
and various alternative courses – of the litigation; and
- (b) to consider the resolution of the litigation through the use of alternative dispute  
resolution programs such as those outlined in LR 16.4.

THE DEFENDANT,  
DAVID M. SCOLL

A handwritten signature in black ink, appearing to read "David M. Scoll", written over a horizontal line.

Dated: December 2, 2004

His Attorneys,

/s/ Sara Discepolo

George C. Rockas, BBO # 544009

Sara Discepolo, BBO # 628721

WILSON, ELSER, MOSKOWITZ, EDELMAN &  
DICKER LLP

155 Federal Street

Boston, MA 02119

Tel 617-422-5300

Dated: December 2, 2004

**CERTIFICATE OF SERVICE**

I, Sara Discepolo, hereby certify that on December 2, 2004, I electronically filed the foregoing *Local Rule 16.1(D)(3) Certification on Behalf of David M. Scoll* and caused to be served a courtesy copy of the same to all parties/counsel of record by mailing the same via first class mail, postage prepaid, to the following parties:

Christine S. Collins, Esq.  
Bowditch & Dewey  
311 Main Street  
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Kristin M. Knuuttila  
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/s/ Sara Discepolo  
Sara Discepolo